

In the Matter of
Framework for Broadband Internet Service

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GN Docket No. 10-127

NOTICE OF INQUIRY

To: The Commission
COMMENTS OF THE
MOUNTAIN AREA INFORMATION NETWORK

The Mountain Area Information Network files these reply comments in the above captioned proceeding.

The text in its present form as submitted, constitutes the reply comments and recommendations of the above listed organization on a legal framework for broadband Internet service. Founded in 1995, the Mountain Area Information Network (MAIN) is a community-based, not-for-profit Internet Service Provider and Community Network serving 14 counties of western North Carolina.

Respectfully submitted,

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The nonprofit Mountain Area Information Network (MAIN) first began offering Internet access in 1996, enabling residents and businesses in the rural mountain counties of western North Carolina to dial-in to the Internet via a local phone call, rather than paying long-distance charges. Many of our subscribers were able to start new businesses, advance their educations, manage their health care and other critical aspects of their lives, and engage in civic life in ways never before possible. In short, great progress was made by residents in largely low-wealth communities in this rural, mountainous region.

However, over the last decade much of this progress has been slipping away as more and more of the business, education, and other life-management and civic-engagement applications for the Internet and World Wide Web moved to require broadband platforms. While many residents in our region have been able to obtain broadband access, many more have no access, or can't afford the

broadband access that is available.

Mars Hill, N.C. is a small college town in Madison County (population 20,600) just 25 minutes north of downtown Asheville. Almost three years ago, the public library in Mars Hill began offering free Wi-Fi broadband access. Because the Wi-Fi signal extended across the library parking lot and beyond, the library management made the Wi-Fi service available around the clock. However, with the severe economic downturn, more and more county residents began relying on this free broadband service to the point that after-hours traffic in the library parking lot began spilling over to the narrow two-lane road, creating a public-safety hazard. The library had no choice but to cease after-hours Wi-Fi service.

Meanwhile, thousands of low-income residents in this region, especially those living in government-subsidized housing cannot afford computers or broadband Internet access, even though it may be available. A survey of the 1,400 households served by the Housing Authority of the City of Asheville found that slightly more than half had no landline phone service, and only a handful of residents had an e-mail address on record.

In short, the last decade has produced, paradoxically, a growing Digital Divide despite the steady growth in broadband access and adoption overall. And this divide has been aggravated by the severe economic crisis, with no relief in sight.

That's why the National Broadband Plan and the Federal Communications Commission's Notice of Inquiry for a Legal Framework for Broadband Internet Service have provided rays of hope in these low-wealth neighborhoods and underserved communities.

However, there is deep and growing concern in these struggling communities that the FCC may renege on its goal of reclaiming its rightful and Congressionally-mandated authority over broadband services. As the FCC's own legal counsel has clearly stated, without this authority, much of the National Broadband Plan is dead-on-arrival.

This growing concern was magnified by the recent Google-Verizon policy proposal which, the companies' sincerity notwithstanding, creates the public spectacle of two industry behemoths joining forces to bully not only the FCC, but the White House and Congress as well.

Moreover, this brazen proposal to carve out self-serving exceptions to the FCC's proposed open Internet protocols --including the all-important wireless space -- completely undermines the telecom industries' ad nauseum claim that "regulatory uncertainty" discourages investment. It is hard to imagine any greater uncertainty for the thousands of companies, existing and yet-to-be-born, than exceptions which appear to be solely designed to perpetuate the advantages of a handful of industry giants. MAIN has been a community-based wireless broadband ISP since 2003, and the prospect of a handful of industry giants monopolizing the wireless broadband space greatly increases the uncertainty not only for our ISP, but for our underserved communities as well. Without strong, clear and enforceable broadband policies and protections, no broadband ISP -- whether for-profit or nonprofit -- would take on the financial risk of extending broadband service to low-wealth and/or sparsely populated communities.

At this historic moment when federal oversight of industries and services critical to the national

interest has been exposed as inept or corrupt, the FCC's decision on a Legal Framework for Broadband Internet will determine not only the future of the Internet as a public good, it will also signal whether or not this key federal agency can be trusted to protect the public interest. For all the citizens who have come to believe in the Internet as a revolutionary force for democratic communications and innovation, we respectfully urge the FCC to restore its rightful authority over broadband Internet services. END